



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/427,968	10/27/1999	DAVID P. COOK	26796-2	4007

7590 05/02/2002

DAVID M O'DELL
HAYNES AND BOONE LLP
901 MAIN STREET
SUITE 3100
DALLAS, TX 752023789

EXAMINER

WORJLOH, JALATEE

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 05/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/427,968	COOK, DAVID P. <i>WJ</i>
	Examiner	Art Unit
	Jalatee Worjloh	3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 October 1999 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 .
- 4) Interview Summary (PTO-413) Paper No(s) _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

1. Claims 1-18 have been examined.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 256 (see fig. 7). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined

was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-4, 9, 13-17 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6014650 to Zampese.

Zampese discloses means for identifying rights to use an account identified by a first account number (see col. 3, lines 38-40, 64-67; col. 4, lines 1-7). Although, Zampese does not explicitly disclose an account number, it is known in the art that an account is assigned an identification number. In Zampese's system, an account code is an identification number that refers to a purchaser's account. As disclosed by Zampese, the account code may be any type of character (see col. 3, lines 51-53); thus, because of its variable meaning, the examiner interprets the account code as an account number and an account identifier (as used later in this Action). Zampese also discloses identifying rights to use a database for storing the first account number (i.e. "account code") and for receiving and storing a first signature phrase (i.e. "transaction code") responsive to a positive identification of rights to use the account (see col. 3, lines 29-37, 51-53; col. 4, lines 57-59), an interface for receiving a second account number and a second signature phrase from the customer (see col. 3, lines 64-67; col. 4, lines 1-2), a comparator for comparing the first and second account numbers and the first and second signature phrases (see col. 4, lines 2-7), whereby the system authorizes the transaction upon a successful comparison of the first and second account numbers and the first and second signature phrases (see col. 4, lines 10-13).

Referring to claim 2, Zampese discloses the system wherein the means for identifying rights to se the account utilizes an activation code (see col. 3, lines 38-40, 64-67; col. 4, lines 1-7).

Referring to claim 3, Zampese discloses the system wherein the means for identifying rights to use the account utilizes an external interface for communicating with an issuer of the account (see col. 3, lines 14-19).

Referring to claim 4, Zampese discloses the system wherein the rights to use the account indicates ownership of the account (see col. 3, lines 29-37, 64-67; col. 4, lines 1-7).

Referring to claim 9, Zampese discloses the system wherein the interface is through a network (see col. 3, lines 14-19).

Referring to claim 13, Zampese disclose confirming rights in the account by associating an account code with an account number associated with the account (see col. 3, lines 38-40, 64-67 and col. 4, lines 1-7). Although, Zampese does not explicitly disclose an account number, it is known in the art that an account is assigned an identification number. As stated above, the examiner interprets the account code as an account identifier. Further, Zampese discloses “establishing an account for a potential purchaser, assigning the purchaser an account code”. This method is equivalent to “associating an account code with an account number”. Zampese also disclose establishing a signature phrase (see col. 3, lines 38-40, linking the signature phrase to the account number for use in the transaction (see col. 3, lines 38-48), and extending rights to the account, normally only associated with the account code, to the signature phase such that the customer can authorize the transaction made on the account using the signature phrase (see col. 4, lines 62-67; col. 5, lines 3-4, 15-17).

Referring to claim 14, Zampese discloses the method wherein an entity other than the customer confirms the rights in the account (see col. 3, lines 64-67; col. 4, lines 1-7).

Referring to claim 15, Zampese discloses the method wherein the rights in the account indicates account ownership (see col. 3, lines 29-37; col. 3, lines 64-67; col. 4, lines 1-7).

Referring to claim 16, Zampese discloses linking an account code to the account number to enable the customer to confirm rights to an account identified by the account number (see col. 3, lines 38-40, 64-67; col. 4, lines 1-7), having confirmed rights to the account, allowing the customer to create an alternate means of confirming rights in the account, including establishing a signature phase linked to the account number (see col. 3, lines 38-40; col. 4, lines 62-67; col. 5, lines 3-4, 15-17), and authorizing a transaction authorization request for the account by linking the signature phrase to the account number (see col. 3, lines 38-48).

Referring to claim 17, Zampese disclose once rights in the account are confirmed, linking the account number to a signature phrase (see col. 3, lines 38-40, 64-67; col. 4, liens 1-7), receiving a transaction authorization request from the merchant including an account identifier and the signature phrase (see col. 3, lines 64-67; col. 4-lines 1-7), verifying the signature phrase is linked to the account number indicated by the account indicator (see col. 4, lines 62-67; col. 5, lines 3-4), and authorizing the transaction if the signature phrase is linked to the account number (see col. 4, lines 62-67; col. 5, lines 3-4, 15-19).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3621

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zampese as applied to claim 1 above, and further in view of U.S. Patent No. 6233565 to Lewis et al.

Zampese discloses a database that stores the first account number and the first signature phrase (see col. 3, lines 29-37). Zampese does not disclose storing the first account number and the first signature phrase in a transformed format. However, Lewis et al. disclose hashing an account number (i.e. "identification number") and password (see col. 22, lines 63-67; col. 23, lines 1-5; col. 29, lines 49-54). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the database disclose by Zampese to store a transformed format of the first account number and the first signature phrase. One of ordinary skill in the art would have been motivated to do this because doing so secures the users account number and signature phrase from unauthorized recipients.

Referring to claim 6, Zampese discloses an interface for receiving the second account number and the second signature phrase (see col. 3, lines 64-67; col. 4, lines 1-2). Zampese does not disclose receiving the second account number and the second signature phrase in a transformed format. However, Lewis et al. disclose hashing an account number (i.e. "identification number") and password (see col. 22, lines 63-67; col. 23, lines 1-5; col. 29, lines 49-54). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the interface disclose by Zampese to receive a transformed format of the second account number and the second signature phrase. One of ordinary skill in the art would

Art Unit: 3621

have been motivated to do this because doing so secures the users account number and signature phrase from unauthorized recipients.

8. Claim 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zampese as applied to claim 1 above, and further in view of U.S. Patent No. 5909492 to Payne et al.

Zampese discloses a system for authorizing a transaction between a customer and an e-commerce merchant (see col. 3, lines 64-67; col. 1, lines 1-2). Zampese does not disclose means for creating a transaction certificate to memorialize a successful authorization, wherein the transaction certificate may be provided to the merchant to indicate successful authorization. Payne et al. disclose means for creating a transaction certificate to memorialize a successful authorization, wherein the transaction certificate may be provided to the merchant to indicate successful authorization (see col. 1, lines 37-48). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclosed by Zampese to include means for creating a transaction certificate to memorialize a successful authorization, wherein the transaction certificate may be provided to the merchant to indicate successful authorization. One of ordinary skill in the art would have been motivated to do this because it informs the consumer and the merchant that the transaction was valid (Payne, col. 1, lines 37-48).

9. Claim 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zampese as applied to claim 1 above, and further in view of U.S. Patent No. 6029141 to Bezos et al.

Zampese discloses an interface (see col. 3, lines 14-19). Zampese does not expressly disclose the interface includes an authorization form provided to the customer. Bezos et al. disclose an authorization form provided to the customer (see fig. 10c; col. 15, lines 36-39). At

Art Unit: 3621

the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the interface disclose by Zampese to include an authorization form. One of ordinary skill in the art would have been motivated to do this because it confirms the customer's transaction.

Referring to claim 11, Bezos et al. disclose the authorization form (see fig. 10c, col.15, liens 36-39). Although, Bezos et al. do not expressly disclose the authorization form including a greeting phrase previously provided by the customer to the database. The greeting phrase being displayed on the authorization form does not patentably distinguish the claimed system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to display any type of phrase on the authorization form taught by Bezos et al. because the subjective interpretation of the greeting phrase does not patentably distinguish the claimed invention.

Referring to claim 12, Bezos et al. disclose the system wherein the authorization form includes a logo identifying the merchant (see col. 22, lines 52-55 and fig. 10c, col.1 of form).

10. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zampese and Bezos et al.

Zampese discloses a database including a list of linked account numbers and signature phrases (see col. 3, lines 29-32; 38-40). Note. Zampese discloses a database including account number and signature phrases; although, Zampese does not indicate that multiple accounts numbers are stored in the database the examiner presumes that the database may store multiple account numbers. Zampese also disclose an engine operable to receive authorization requests from the merchant, process the requests including verifying rights in an account associated with

Art Unit: 3621

the account number by the customer using a signature and transmitting "an approval message" to the consumer if the signature phrase and account code is correct (see col. 3, lines 38-40,64-67; col. 4, liens 1-7, 62-67; col. 4, lines 3-4). Bezos et al. disclose an authorization form provided to the customer (see fig. 10c; col. 15, lines 36-39). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclosed by Zampese to return an authorization form instead of "an approval message" if the signature phrase is linked to the account number. One of ordinary skill in the art would have been motivated to do this because it confirms the customer's transaction, and prevents unauthorized individuals from utilizing the customer's account.

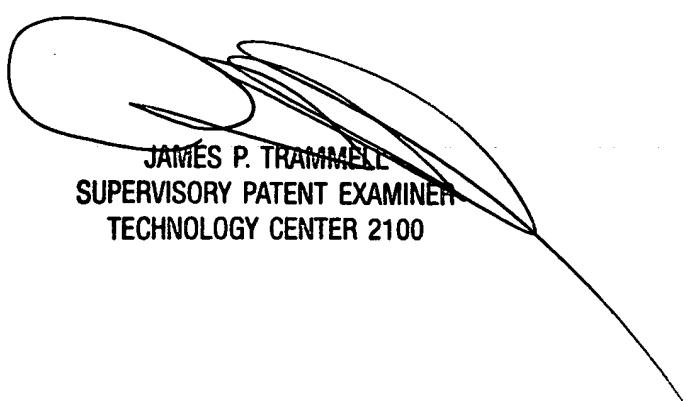
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 703-305-0057. The examiner can normally be reached on Mondays-Thursdays 8:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications, 703-746-7240 for Non-Official/Draft communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Art Unit: 3621

April 24, 2002



JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100